



Director's Rule 7-94

Applicant City of Seattle Department of Construction and Land Use	Page 1	of 8	Supersedes None
	Publication 5-5-94		Effective 6-8-94
	Code and Section Reference SMC 22.900.050; SMC 23.41.004, 008, 014, 012; SMC 23.76.012		
	Type of Rule Code Interpretation		
Subject Design Review Program	Ordinance Authority SMC 3.060.040		
Index Title 22 - Permit Fees Ordinance Title 23 - Land Use Code	Approved <i>[Signature]</i> Date 6/8/94		

PURPOSE

The purpose of this rule is to clarify and interpret ordinance requirements to best accomplish the intended goals of the **Design Review** element of the **Early Project Implementation** regulations provided in Title 22.900 and Chapters 23.41 and 23.76 of the Seattle Municipal Code. The intent of Design Review is threefold: 1) to encourage better design and site planning to enhance the character of the city and ensure that new development sensitively fit into neighborhoods; 2) to provide flexibility in the application of development standards; and 3) to improve communication and participation among developers, neighbors and the City early in the design and siting of new development.

To this end, this rule intends to clarify and provide interpretation of the following subsections of the Permit Fee Ordinance (Title 22) and the Land Use Code (Title 23) provisions:

22.900.050 "General Provisions - Filing fees to be collected at time of application"

23.41.004 "Applicability and phasing."

23.41.008 "Design Review Board."

23.41.014 "Design Review Process."

23.76.012 "Notice of application."

RULES

Section 22.900.050 "General Provisions - Filing fees to be collected at time of application"

This section of the Permit Fee Ordinance provides the breakdown of fees owing, by component, at the time of permit application. It indicates in Table 1 that 100% of Design Review fees shall be collected at the time of application.

Rule: This rule clarifies what constitutes an "application" for the purposes of determining when to collect the Design Review fee. The Design Review process requires a predesign process, for which application is necessary, as well as subsequent Master Use Permit (MUP) application, of which Design Review is one of potentially several components. Since there are two points of application, it is not clear at which time DCLU should collect the fees. Due to the requirements for public notice and mailing; a Design Review Board meeting, including likely room rental fees; and substantial staff review and preapplication work, the Department will incur substantial expenditures even during this predesign process. Since there is no guarantee that applicants will continue onto the actual MUP application for a particular project, and in order to recover the expenditures incurred, it is necessary to collect at least a portion of the Design Review fees at the first application point.

Since there are two points of application for projects with a Design Review component, there are two opportunities for fee collection. Therefore, DCLU shall collect 50% of the Design Review fee upon application for the predesign process (see Section 23.41.014 below for further details), and the remaining 50% of the fee upon a MUP application, including a Design Review component.

Section 23.41.004 "Applicability and phasing"

This section provides the thresholds for determining whether a development project is subject to Design Review. It states in part that "all new multifamily and commercial structures which exceed the thresholds for environmental review established in the State Environmental Policy Act (SEPA)" will be subject to Design Review.

Rule: The Design Review thresholds shall be identical to the SEPA thresholds provided in Section 25.05.800, "Categorical exemptions," irrespective of any modification of those thresholds provided by Section 25.05.908, "Environmentally sensitive areas." However, additions, alterations, and changes of use over the SEPA thresholds are exempt from the Design Review requirements.

Section 23.41.006.C.3 "Design Review Board"

This Code subsection provides for alternative use of the Design Review Boards and the three unassigned, at-large members. These provisions are intended to allow flexibility, such that if one Board is unable to review a project in its subarea in a timely manner, the unassigned members may serve in their place. In addition, a Design Review Board may review a project outside its specific subarea, provided, however, that the local community and business representatives shall review development only within their subarea. Lastly, unassigned members will also be available to substitute for absent at-large members on assigned Design Review Boards.

Rule: This Rule clarifies the three cases referred to in this Code section:

1. When more projects are undergoing simultaneous Design Review in a particular area than the three at-large board members are able to review in a timely manner, the three unassigned at-large members may be convened as a substitute Board. They will be joined by the two representatives from the subarea where the project site is located, to review the project(s) in that subarea.
2. Similarly, the Director may call the at-large members from a different geographic area to review a project, when the Board assigned to an area is unable to review a project in a timely manner. As before, the three at-large members from the different geographic area will be joined by the two local representatives from the subarea where the project is proposed.
3. When an individual at-large member is unable to serve, the Director may call upon one of the unassigned at-large members to serve in his/her place, provided that the at-large member represents the same interest group as the assigned member. This substitution is not intended to fill in for prolonged absences, in which case a board member should be replaced. Substitution of the local representatives is not allowed.

Section 23.41.008.D "Meetings of the Design Review Board"

This Code section provides general requirements for the time, place and public notice of both the predesign public board meetings and the regularly scheduled board meetings.

Rule: The language provided below is intended to augment the Code, by providing general guidelines for the conduct and format of the Design Review Board meetings. Design Review Boards will be encouraged to select a chairperson, who may perform many of the functions outlined below. The Board may also call upon the DCLU staff to assist in or conduct any of these functions. "Staff" shall refer to the DCLU Senior Urban Design Planner or Land Use Planning and Development Analyst attending the Board meeting.

Predesign Design Review Board meeting:

1. Staff shall circulate a sign-up sheet to record those in attendance, with a check-off location on the sheet to show those interested in speaking.
2. Chairperson shall call the meeting to order and shall inform those in attendance of the purpose of the meeting, in addition to a general outline of Design Review process. This information shall include a brief explanation of the relationship to SEPA or other land-use discretionary processes, including the public's ability to participate in those processes, where appropriate. The chairperson shall introduce the board members and applicant's representative(s).
3. Staff shall present the site proposed for development, indicating exact location, zoning and other pertinent identifying information.
4. Applicant's representatives shall present the information required in Section 23.41.014.B.3 ("Design Review Process") regarding site conditions, adjacent neighborhood, applicable zoning provisions, and conceptual development program.
5. Chairperson shall introduce the public comment portion of meeting, indicating that commentators should focus comments on design-related issues, again indicating the appropriate avenues for input regarding environmental impacts or zoning concerns. Chairperson proceeds by calling out names of those who have indicated interest in speaking on the sign-up sheet.
6. In general, members of the public should be encouraged to keep their comments to a period of approximately ten

- (10) minutes per person, in order to provide all those interested an opportunity to speak. Staff shall record comments for future reference.
7. Chairperson shall conclude the comment period and address any questions recorded earlier. Staff or the applicant's representatives may be requested to respond also.
 8. The board members shall then engage in open discussion regarding the site, surrounding context, development program, public comments and concerns, etc. In general, this period should last no longer than one-half hour to allow sufficient time to provide recommendations (see below).
 9. Chairperson shall invite the board members to address the City-wide and/or neighborhood-specific design guidelines, as required by Section 23.41.014.C. Based on opportunities and constraints of the site and context, in addition to public comment, the board members shall identify which of all the applicable guidelines are of highest priority to this site and project. They shall also identify those guidelines which appear not to be applicable to the site or project. In addition, public consensus regarding particular design or siting issues, if any, shall be identified and incorporated, as allowed by Code (Section 23.41.014.C.1).
 10. Staff shall record the identification of priorities during board member discussion. Chairperson shall conclude board member discussion, providing a summary of the board's prioritizations and other pertinent comments.
 11. Staff shall inform all those in attendance of the remaining steps in the design review process, indicating that all parties will be sent a copy of the prioritization of guidelines and issue-identification accomplished at the meeting.
 12. Meeting is adjourned.

Regularly scheduled Design Review Board meeting:

1. Staff shall circulate sign-up sheet to record those in attendance. In addition, staff shall provide copies of the meeting's agenda.
2. Chairperson shall call meeting to order. Staff shall inform those in attendance of the purpose of the

meeting, in addition to a general outline of the remaining Design Review process. This information should include a brief explanation of the relationship to SEPA or other land-use discretionary processes, including the public's ability to participate in those processes, where appropriate. Chairperson shall introduce board members and applicant's representative(s).

3. Chairperson shall inform those in attendance of the meeting's agenda, indicating the order of presentation of the projects being considered. Chairperson shall inform the public that brief comments may be offered immediately after each project is presented.
4. Regarding each project, staff shall provide a brief summary of the proposal, characteristics of the site and surrounding neighborhood, and applicable development standard issues. Staff is encouraged to use any of the graphic aids provided by the applicant from the predesign meeting or application submittals. Staff shall remind the board of the guideline priorities it set for the site at the predesign meeting and, finally, shall describe any staff recommendations on the applicant's final proposal.
5. Chairperson shall allow brief public comment for a period of approximately 15 minutes.
6. Board members shall then engage in open discussion on the project. Board members are invited to ask staff, applicant, designers, or public questions for clarification. Staff shall record major issues and/or consensus items during the board's discussion. Staff is encouraged to assist the board members in their review by referring to the applicable guidelines and reminding board members of any outstanding issues.
6. Once the board members have offered their recommendations regarding a project, the chairperson summarizes their action and recommendations, with particular attention to enumerating any proposed conditions. Board members are invited to offer further clarification and/or correction as they hear the summary.
7. Chairperson shall read out the majority recommendation, including conditions, for vote. Chairperson should remind board members that a four-member majority vote will carry substantial weight in the Director's decision.

8. Staff shall repeat the recommendation and final vote for the record.
9. Staff and board members repeat this process for any other project(s) on the agenda.
10. Staff shall inform all those in attendance of the remaining steps in the design review process, indicating that all parties of record will be notified of the Director's final decision, which is appealable to the Hearing Examiner.
12. Meeting is adjourned.

23.41.014 "Design Review Process"

This Code section describes the Design Review process from preapplication conference through to the Director's decision. Clarification is needed regarding the specific application requirements for both predesign process and actual the MUP Design Review component.

Subsections A and B.

Rule: After a potential applicant has held a preapplication conference with DCLU staffmembers, in order to commence the predesign process contemplated in these provisions, the applicant shall be required to submit a completed "Application for Design Review Pre-Design Process" form, substantially as provided in Attachment A, at a regularly scheduled land use application intake appointment. The Design Review fee will be collected at this time.

Subsection D.

Rule: Upon application for a Master Use Permit (MUP) including a Design Review component, in addition to any other MUP application requirements, the applicant shall be required to submit the information previously required for the presentation at the predesign public meeting (Section 23.41.014.B3), in addition to a completed "Application for Design Review" form, substantially as provided in Attachment B.

Section 23.76.012 "Notice of application"

This section indicates that upon application for Design Review, an applicant shall post a large sign on the site, as required for the SEPA review process. This rule is intended to provide additional information regarding the required wording for the large sign announcing Design Review

projects. Currently Director's Rule 18-93 supplements Section 23.76 by providing specific details on the preparation and installation of large signs pursuant to MUP applications.

Rule: For projects subject to SEPA and requiring Design Review, the standard large sign language shall include the words "and Design Review" in the introductory phrase, as depicted below:

"DCLU IS CONDUCTING AN ENVIRONMENTAL AND DESIGN REVIEW OF THE FOLLOWING PROJECT:"

For projects not subject to SEPA, but undergoing voluntary Design Review, the introductory phrase shall read as follows:

"DCLU IS CONDUCTING DESIGN REVIEW OF THE FOLLOWING PROJECT:"

doherty/drrule

ATTACHMENT A

CITY OF SEATTLE
APPLICATION FOR DESIGN REVIEW
PRE-DESIGN PROCESS

PART I

1. Property Address _____
2. Has applicant had a PAID design review preapplication conference within the last six months? If so, enter project number here: _____
3. Computer Contact Number _____
4. Owner/Lessee Name _____
5. Contact Person Name _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____
6. Applicant's Name _____
Relationship to Project _____
7. Applicant's Signature _____
Date _____

PART II

1. Please give a description of the existing site, including location, existing uses and/or structures, topographical or other physical features, etc.
2. Please indicate the site's zoning and any other overlay designations.
3. Please give a description of neighboring development and uses, including adjacent zoning, physical features, existing architectural and siting patterns, views, community landmarks, etc.

4. Please describe the proponent's development objectives for this site, indicating types of desired uses and approximate structure size(s).

NOTE

Together with a written response to the questions provided above, please provide the following graphic materials at the required public Design Review Board meeting, in support of your application, as required by Section 23.41.014, Seattle Municipal Code:

1. An initial site analysis addressing site opportunities and constraints, the uses of all adjacent buildings, and the zoning of the site and adjacent properties; and
2. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site; and
3. Photos showing the facades of adjacent development, general streetscape character and territorial or other views from the site, if any; and
4. A zoning envelope study which includes a perspective drawing; and
5. Optionally, schematic design and siting alternatives in fulfillment of the proponent's general development objectives, as stated above.

ATTACHMENT B

MUP No. _____

CITY OF SEATTLE

APPLICATION FOR DESIGN REVIEW

1. Please describe the proposal in detail, including types of uses; size of structure(s), location of structure(s), amount, location and access to parking; special treatment of any particular physical site features (vegetation, watercourses, slopes, e.g.), etc.

2. Please indicate any development standards for which the proponent seeks modification, including specific rationale(s).

3. Please provide a description of how the proposed design responds to each of the design guidelines prioritized by the Design Review Board at the predesign public meeting.

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